

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matter came on to be heard before the court on August 8, 2012, Honorable William M. Conley, United States District Judge for the Western District of Wisconsin, presiding, plaintiff United States of America ("Plaintiff") having appeared by Assistant United States Attorney Tony Trillo, and defendants having failed to appear; it appearing by the declaration of Barbara L. Oswald, Assistant United States Attorney, on file herein, that all of the remaining defendants are in default; it further appearing that due notice of application for judgment has been made to each of the remaining defendants and that a certificate of service by mail was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the court having considered the evidence and fully advised in the premises, therefore makes and

files the following findings of fact and conclusions of law constituting its decision in this action.

#### **Findings of Fact**

1. The allegations of the Complaint are proven and true.
2. There is now due and unpaid on said notes and mortgages as of August 8, 2012, the following sum: see Exhibit A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said note, mortgage, and financing statement.
4. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.
5. The mortgaged premises are as described in Exhibit B.
6. The mortgaged premises have not been abandoned.
7. Due notice of the pendency of this action was duly filed, after the filing of the Complaint herein, on the filing of the Lis Pendens on February 9, 2012, and more than twenty (20) days prior to the trial of this action, in the Office of the Register of Deeds for Lincoln County, Wisconsin, in the manner and form required by law.

#### **Conclusions of Law**

1. Plaintiff is entitled to judgment of foreclosure and sale in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above findings of fact.

2. The Summons and Complaint in the above action were duly served on the defendants herein, defendant Marathon Feed Inc. having been dismissed, defendants Park City Credit Union, Covantage Credit Union and WI Department of Revenue filed waiver forms with the court for said defendants as set forth in the declaration of Barbara L. Oswald, Assistant United States Attorney, on file herein; the time for answering said Complaint has expired; no answer or other response or appearance has been served on or received by Plaintiff's attorney from or made by any of the defendants, except as set forth in the declaration of Barbara L. Oswald, Assistant United States Attorney.

3. Plaintiff is entitled to recover from the defendants the following sum:  
see Exhibit A.

4. The mortgaged premises shall be sold as a whole.

5. The mortgaged premises have not been abandoned.

6. Deficiency judgment is not being sought in this action.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of sale shall be made by publication in the Merrill Courier, the newspaper published in the City of Merrill, County of Lincoln, State of Wisconsin.

8. Defendants and their heirs, respectively, and all persons claiming under them or any of them, after the filing of notice of the pendency of this action, be forever

barred and foreclosed of all right, title, interest, and equity of redemption in said mortgaged premise so sold.

Now, on application of the Office of the United States Attorney for the Western District of Wisconsin, attorney for Plaintiff,

IT IS ORDERED that judgment of foreclosure and sale of said mortgaged premises and items of security, in the usual form as provided by and in accordance with the above findings of fact and conclusions of law, be entered in this action.

Dated this 8th day of August, 2012.

BY THE COURT:

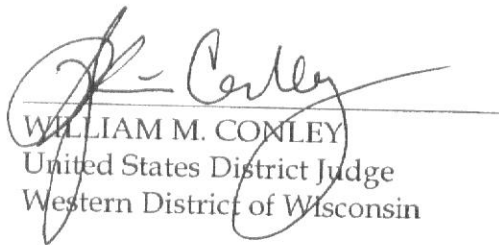
  
WILLIAM M. CONLEY  
United States District Judge  
Western District of Wisconsin

EXHIBIT A

UNITED STATES OF AMERICA v. STEVEN MOOTZ, et al.  
Case Number 12-cv-62-wmc

a.	Principal as of August 8, 2012	\$15,167.19
b.	Interest as of August 8, 2012	<u>\$ 2,431.93</u>
	Total as of August 8, 2012	<u>\$17,599.12</u>
c.	Court Costs and Disbursements:	
	(1) Attorney Fees	\$ 200.00
	(2) Marshal Fees	\$ 1,809.89
	(2) Filing Lis Pendens	\$ 35.00
	(3) Title Opinion	<u>\$ 450.00</u>
	Subtotal:	<u>\$ 2,494.89</u>
	TOTAL AS OF AUGUST 8, 2012	<u><u>\$ 20,094.01</u></u>

**EXHIBIT B**

UNITED STATES OF AMERICA v. STEVEN MOOTZ, et al.  
Case Number 12-cv-62-wmc

Location: Lincoln County, Wisconsin

Legal Description:

The fractional Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Eighteen (18), Township Thirty-three (33) North, Range six (6) East, Town of Rock Falls, Lincoln County, Wisconsin.